

Remarks

Applicants thank the Examiner for the careful consideration given this application. Reconsideration of this application is requested in view of the following remarks.

Claims 44, 45, 48-52, 55-58, and 63-75 are now pending in this application, of which Claims 44, 51, 56, and 64 are independent claims. Claims 44, 64, and 65 have been amended to correct minor grammatical and/or typographical errors. New Claims 71-75 have been added, and it is respectfully submitted that these claims are supported in the specification at least by paragraph [0008] and Fig. 5.

At pages 2-4, the Office Action rejects Claims 44, 45, 48-52, 55-58, and 63-66 (and, presumably, Claims 67-70, given that they are treated, even though they are not listed) under 35 U.S.C. § 103(a) as being unpatentable over Phillips (U.S. Patent Application Publication No. 2003/0055560) in view of Yamamoto (U.S. Patent Application Publication No. 2002/0142803). These rejections are respectfully traversed for at least the following reasons.

As an initial note, Claim 64 is listed in the list of rejected claims, but it is never addressed in the body of the rejection. Therefore, there is no *prima facie* case for this rejection, and Claim 64 is presumed to be allowable.

At page 2, the Office Action cites Phillips as disclosing “monitoring a relationship between a wireless device and a vehicle by evaluating location information that specifies a location of the wireless device, that specifies a location of the vehicle, wherein the geographical location information is generated for each . . . by at least one location system, to determine the relationship by comparing the location of the wireless device to

the location of the vehicle.” The Office Action cites Phillips at paragraphs [0008]-[0011] in support of this assertion. It is noted that Phillips is directed to a system for vehicle location that makes use of a wireless device to receive location information for the vehicle and that the wireless device determines its own location and compares the two to obtain information to display to the user, to assist the user in locating the vehicle (see, e.g., paragraphs [0008]-[0011]). However, as noted at page 3 of the Office Action, Phillips does not disclose enabling hands-free operation of the wireless device if the geographical relationship between the device and the vehicle satisfies a condition, as in Claim 44 (Claims 51, 56, and 64 recite, further, that the condition corresponds to the device being within the vehicle).

The Office Action, at page 3, cites Yamamoto to address this deficiencies of Phillips. In particular, the Office Action asserts that “Yamamoto teaches when the mobile telephone is in the vehicle[,] information can be transmitted in hands-free mode without making any operation [0048].” It is respectfully submitted that Yamamoto fails to fully address the deficiencies of Phillips.

In particular, Yamamoto does not disclose or suggest enabling a hands-free mode of operation when a condition is satisfied with respect to the geographical relationship between the wireless device and the vehicle, as claimed. Yamamoto, as presented, e.g., in Fig. 4, relies on a query-response type of operation to determine when a wireless device is in proximity to a base station located in the vehicle. ***This does not correspond to a condition based on geographical locations of the device and the vehicle.*** Therefore, even if, *arguendo*, Yamamoto’s system is able to determine when a wireless device is able to establish a (Bluetooth) connection to a vehicle system, this is ***not based on a***

condition based on geographical information – it is based on a successful “handshake” between the wireless device and the base station in the vehicle. Consequently, the mere addition of Yamamoto to Phillips fails to result in the claimed invention.

Furthermore, it is not apparent that Yamamoto and Phillips could even be combined to obtain what has been claimed. Yamamoto is directed to a system for providing hands-free operation of a wireless communication device when used in a vehicle, where the system in the vehicle works to allow the wireless device to detect the presence of the system (see discussion above). Phillips is directed to a vehicle location system using a hand-held device. This leads to several issues. These are two disparate systems—communications and vehicle location—which are not apparently combinable, so a skilled artisan would not have looked to Phillips to remedy the shortcomings of Yamamoto.

It is, therefore, respectfully submitted that the present claims are allowable over the cited references.

Additionally, Claims 65-70 include recitations that address the disabling of non-hands-free operation if the (geographical) positional relationship between the wireless device and the vehicle indicates that the wireless device is located within the vehicle. The Office Action, at page 4, maintains that Yamamoto teaches this limitation, noting paragraphs [0019] and [0048]. However, it is respectfully submitted that merely combining this feature of Yamamoto into the system of Phillips would likely at least partially destroy the functionality of the Phillips system. In particular, known geolocation systems are not currently capable of providing exact geographical locations; rather, they provide locations to within some tolerance. In the case where the

geographical location information indicates that the wireless device is located within the vehicle, it may, in fact, not actually be within the vehicle. Therefore, the non-hands-free functionality of the device may be disabled prior to the user being able to locate the vehicle (that is, the device may be disabled based on the relative locations of the device and the vehicle, even though the user has not yet located the vehicle, which is the purpose of Phillips). Hence, the mere combination likely does not work, and further features, not obvious based on Phillips, Yamamoto, or their combination, are required (if such features are possible) to avoid this malfunction. Hence, it is respectfully submitted that Claims 65-70 are further allowable for this reason.

Finally, Claim 48 recites “measuring a signal strength transmitted by the wireless device by a transceiver associated with the vehicle in addition to evaluating the geographical location information.” The Office Action, at page 3, asserts that this is taught by Yamamoto, citing paragraphs [0048], [0058], and [0059]. However, the cited portions of Yamamoto merely deal with the detection of the proximity of the wireless device to the vehicle’s device, which, as discussed above, is performed by a “handshaking” operation, not by means of a signal strength measurement. In fact, Applicants find no discussion of such signal strength measurements anywhere in Yamamoto. For this addition reason, it is respectfully submitted that Claim 48 is allowable over the cited references.

Applicants have also added Claims 71-75. Claim 74 is similar to some of the other claims (e.g., Claim 67). Claims 71-73 and 75 recite that the disabling of a wireless mobile device involves an interference signal, and it is respectfully submitted that neither of the cited references teaches or suggests this feature.

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.


Conclusion

Applicants believe that the above amendments and remarks address all of the grounds for rejection and place the application in condition for allowance. Applicants, therefore, respectfully request prompt and favorable consideration of this Amendment and Reply and reconsideration of this application.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: *March 10, 2008*


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CB-584336